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PAS/JB/23844
23rd January, 1989

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PHILIP MORRIS MANAGEMENT CORP.
LAW & PATENT SECTION

Dear Sirs,

German Patent Application No. P31 18 471.3-23
Philip Morris Incorporated
Our File: 23844 PM 1088

FEB 1 1989

NOTED

We note that the extended term for reply to the outstanding official action expires on 30th January. We are sorry that we have not been able to send you instructions earlier.

We now enclose proposals for a new claim 1 directed to the article and a new method claim 13. The new claim 1 incorporates the features of present claims 5 and 6 and the new method claim incorporates the feature of present claim 20. It is believed that the other subsidiary claims can be retained with appropriate rearrangements and renumbering.

The new claims take into account the disclosures of Swiss Patent No. 275 420 and German Patent No. 2 620 298. In the Swiss patent an extruded cylinder of tobacco containing material is formed by mixing finely divided tobacco with water and drying the extruded cylinder or cord. At page 1 line 55 to 61 it is explained that the consequence of the solid texture of the hardened tobacco it is necessary to provide air channels to allow air to circulate from one end to the other. Again at page 2 lines 71 to 80 it is indicated that the article is particularly slow burning. A multiplicity of air channels are necessary in order to allow air to flow through the body and to support combustion. In the present invention the tobacco mass is able to support combustion when ignited but has sufficient density and porosity to prevent gas flow through the mass. Accordingly air is supplied through an axial channel. The advantages of the single large area axial air passage are explained at page 5 line 30 to page 6 line 2 of the original English text of the specification.

It is noted that in the German specification 2 620 298 apart from the fact that

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the tobacco cylinder is not formed by extrusion but is composed of loose tobacco in the traditional manner, the axial passage formed in this tobacco body is separated from the tobacco body by an impermeable sheet. The new claim 1 makes it quite clear that the extruded body of material forms the wall of the passaged with no intervening impervious barrier.

As to the new method claim the use of a mixture of water and volatile organic liquid in the mixture to be extruded aids of the formation of the extruded product with the required porosity and density. A reference is made in this connection to page 8 lines 15 to 28 of the English text of the specification. The Swiss specification 275 420 uses a mixture formed solely with water while the German specification 2 620 298 does not use any liquid since the cylinder is formed of normal tobacco filler.

We again offer our apologies for the lateness of these instructions but ask you to proceed with the filing of a response in good time. Please let us know if there is any further information you required.

Yours faithfully,

P. A. Smith

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